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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION NO:18087 of 2007

DATED: 08-10-2007

Between:

Chimanlal Singhee and others

..... PETITIONERS

AND

Special Court for Cases under A.P. Land Grabbing (Prohibition)Act, rep.by its Registrar, B.R.K.R.Bhavan, Hyderabad and others.

.....RESPONDENTS

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ORDER:(per Hon'ble Sri Justice B.Prakash Rao)

Heard Sri V.Venkata Ramana, learned counsel for the petitioners and learned Government Pleader for Revenue and Sri V.Manohar Rao, learned counsel for the respondents, and at their request, the main writ petition itself is taken up for disposal.

The petitioners herein, who are the applicants before the Special Court constituted under the A.P. Land Grabbing (Prohibition) Act, filed this writ petitioner *inter alia* assailing the orders passed in I.A.Nos.792 of 2005 and 930 of 2005 in L.G.C.No.53 of 2005 dated 27-04-2006 closing both the applications which have been filed under Order 39 Rules 1 and 2 CPC and Order 39 Rule 2-A CPC.

The main grievance of the petitioners is to the effect that both the applications are substantial in nature and needs to be considered on merits on the principles as laid down while considering the said reliefs whereas the Court below, recording the undertaking which has been given by the respondents herein, closed the same without giving any finding.

Learned counsel for the respondents herein submit that the order has passed as long back as on 27-04-2006 and the writ petition has been filed in August, 2007 and this Court granted orders of status-quo on 24-08-2007 and in the meanwhile the entire construction has already been come up. Further, it is also submitted that the trial of the case has already been commenced.

Having heard the learned counsel on both sides and also on perusal of the material on record, without going into the merits either way, *prima-facie* we are of the view that the order as passed in both these applications bereft of any reasons and is a lacuna. It is now well established that the applications of similar nature require due

attention and which have to be considered on the principles as laid down and after fulfilling the requirements as contemplated there under apart from the aspect as to whether any such case had been made out by the petitioners to warrant any such indulgence. It has also been held that the non-consideration thereof vitiates the very order. Either way, the order is not sustainable and both the applications have to be considered afresh on merits and in accordance with law.

In view of the above reasons, the writ petition is allowed. The orders in I.A.Nos.792 of 2005 and 930 of 2005 in L.G.C.No.53 of 2005 dated 27-04-2006 are set aside. The Special Court shall take up the action after giving opportunity to both sides. It is needles to mention that the orders of status-quo passed by this Court on 24-08-2007 shall be treated as the one existing on the day of passing of the order. The Special Court shall take into consideration all these aspects including any subsequent events which have been taken place and dispose of the matter on merits, within a period of two months from the date of receipt of a copy of this order. No costs.

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B.PRAKASH RAO, J

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G.BHAVANI PRASAD, J

08th October, 2007

SKM